

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

VS.

ANDRES MARTINEZ

CRIMINAL ACTION
NO: 04-10299 PBS

F I L E D

In Open Court
USDC, Mass.

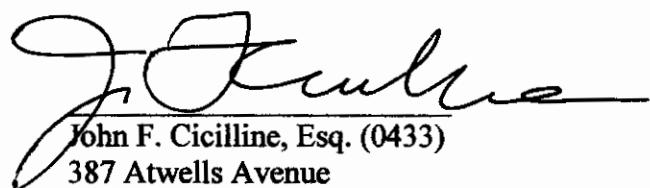
Date 11-28-05
By JFC
Deputy Clerk

INFORMATIONAL MOTION

Now comes the defendant Andres Martinez in the above entitled cause and
notifies the court, that at the time of sentencing he will challenge:

- 1.) Any efforts to impose a sentence which calibrates the defendants initial base offense level above level 32, because such level was not charged in the indictment.
- 2.) Any effort to impose a sentence which includes an increase for the defendants role in the offense under USSG 3B1.1, because such role was not charged in the indictment
- 3.) Any effort to impose a sentence which includes an increase for the defendants role in the offense under USSG 3B1.1 because such role is not supported by the facts.

Respectfully submitted,
Andres Martinez
by his attorney


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CERTIFICATION

I, the undersigned, hereby certify that I caused a true copy of the within to be delivered this the 30, day of October 2005, to the United States Attorney General Office, John Joseph Moakley Bldg, U.S. Courthouse, Suite 9200, One Courthouse Way, Boston, MA 02210, Attn: **AUSA Neil J. Gallagher**

A handwritten signature in black ink, appearing to read "Neil J. Gallagher". The signature is fluid and cursive, with a horizontal line underneath it.